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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,315

Applicant(s)

SKINSTAD ET AL.

Examiner

PAN CHOY

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6,8-10 and 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,8-10 and 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Introduction

1. This **FINAL** Office Action is in response to communications received on November 12, 2010. Claims 1, 6, and 8-10 have been amended. Claims 2-5, 7 and 11-16 have been cancelled. Claims 17-32 have been added.

Currently claims 1, 6, 8-10 and 17-32 are pending, and Claims 1, 19 and 26 are the independent claims.

Response to Amendment

2. Applicants' amendment necessitated the new ground(s) of rejection in this Office Action.

3. Applicant's request for permitting to delay the corrections of the Specification as set forth in the previous Office action has been granted; however, the objections to the Specification are pending.

4. The Claim Objection of claims 1, 3, 11, 12 and 15 in the previous Office Action is withdrawn in response to Applicants' amendments.

5. Applicants did not make change to claim 8 regarding the Claim Objection as set forth in the Previous Office Action. Therefore, the Claim Objection of claim 8 has been maintained.
6. The 35 U.S.C. § 112 (2) rejection of claims 1-7, 10-12 and 15-16 in the previous Office Action is withdrawn in response to Applicants' amendments.
7. Applicants did not make changes to claims 8 and 9 regarding the **35 U.S.C. § 112(2) rejection** as set forth in the previous Office Action. Therefore, the 35 U.S.C. § 112(2) rejection of claims 8 and 9 have been maintained.
8. The 35 U.S.C. § 101 rejection of claims 12, 15 and 16 in the previous Office Action is withdrawn in response to Applicants' amendments.

Response to Arguments

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

10. **Claim 8 is objected** to because of the following informalities:
Regarding claim 8, 'the' should be removed from 'the amount.'

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. **Claims 8, 9, 23, 24, 26, 30 and 31 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8, 23 and 30, 'the cost' and 'the corresponding amount' lack antecedent basis. They should be amended to 'a cost' and 'a corresponding amount,' respectively.

Regarding claims 9, 24 and 31, 'the specific requirements' lacks antecedent basis. 'the' should be removed.

Regarding Claim 26, claim 26 recites "a computer program product" comprising hardware components (e.g. server and terminals) and program code renders the claim indefinite because it is unclear to the examiner whether Applicant is claiming a computer program product (e.g. computer readable medium) or a system with respect to the claimed subject matter. Applicants are required to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner interpreted claim 26 as a computer program product claim for the purpose of examination.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 1, 8-10, 17-21, 23-28 and 30-32 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Gardner et al., (hereinafter: Gardner), (US Pat. No.: 5758327), and in view of Flitcroft et al., (hereinafter: Flitcroft), (US Pub. No.: 2003/0018567).

Regarding claim 1, Gardner discloses a computerized system for managing purchases in progress, the purchases being made by a plurality of individual purchasers being associated with a liable purchasing organization and being authorized to purchase on behalf of the liable purchasing organization (see Abstract), the system comprising:

a managing server including a storage means and issuing means (see Abstract; Fig. 2, item 36 and 38: store requisition rules; and col. 2, line 57 to col. 3, line 3: storing the requisition rules, and generates the requisition);

a client terminal being operable by the liable purchasing organization (see Fig. 1, items 12, 14 and 16: company terminal);

a first communication terminal being operable by a provider (see Fig. 1, items 34, 24, 26 and 28: provider and vendor terminals);

a second communication terminal being operable by an individual purchaser (see Fig. 1, items 18, 20, 22: requestor terminals);

the managing server, the client terminal, the first communication terminal and the second communication terminal being communicatively connected in a data communications network (see Fig. 1; and col. 4, lines 45-66: the connection of the system is by communication line); wherein;

the client terminal is adapted to provide purchasing rules to said managing server (see Abstract; col. 1, lines 12-14: established requisition rules regarding the procurement of goods and services; see also col. 2, lines 57-60; and col. 8, lines 58-64);

the managing server is adapted to store purchasing rules for said individual purchasers purchasing on behalf of said purchasing organization, said purchasing rules being received from the client terminal (see col.2, line 57 to col. 3, line 44: storing company-specific requisition rules, a catalog of items from a wide variety of vendors, an individual requestor such as an employee of the company, and generates the purchase order upon approval; see also col. 5, lines 13-21);

the managing server being adapted to:

examine whether the received information relating to said purchase in progress is in accordance with the purchasing rules (see col. 1, lines 29-35: an authorization step requires designated individuals to approve the purchase of the goods or service; see also col. 11, line 16 to col. 12, line 5); and

send a notification from the managing server, as a result of the information relating to the purchase being found to be correct in the examining, to the first

communication terminal being operable by the provider so as to validate the purchase and give the provider a right to invoice said transaction amount (see col. 1, lines 38-43: if the requisition is approved, a purchase order is generated and sent to a vendor; col. 9, lines 19-40: if the information matches, an invoice is generated and transmitted to the company; see also col. 2, lines 1-6 and col. 12, lines 7-9; see also in Flitcroft: Claim 13).

Gardner discloses obtaining company purchase authorization, maintaining identification of requester and order items, and generating appropriate number of purchase orders (see col. 3, lines 33-60; col. 8, 25-64; and col. 9, line 6- to col. 10, line 23).

Gardner does not explicitly disclose the following limitation; however, Flitcroft in an analogous art for B2B transaction processing discloses:

the issuing means of the managing server is adapted to generate a purchaser reference number in the form of a unique number (see Fig. 1; ¶ 9, 27, 51 and 157: purchase reference number is a unique reference number; buyer's unique reference number; the CPN can include the buying company's unique purchase reference number, and being unique for each purchase),

the generated purchaser reference number being associated with the individual purchaser and with the purchasing rules for said individual purchaser and for said purchasing organization (see Fig. 3: buyer purchase information and purchase reference number; and ¶ 9, 27),

the purchaser reference number being issued and distributed to the second communication terminal being adapted to be operable by an individual purchaser in dependence on the purchasing rules (see ¶ 51-52, 229; and claim 13: sending the CPN to the user);

the managing server being adapted to validate and accept a transaction amount associated with the purchaser reference number by said individual purchaser and said purchasing organization (see ¶ 98 and 263: if the authorization request passes the validation, the CPN details will be replaced with the real amount detail that are associated with the CPN and will be routed to the issuer's authorization system for approval; see also ¶ 31, 107 and 211-219 for validation steps);

the managing server being adapted to receive information relating to a purchase in progress and comprising the purchaser reference number and a transaction amount associated with said purchase in progress from a first communication terminal being operable by a provider or from a second communication terminal being operable by said individual purchaser (see Fig. 7: authorization request; ¶ 52-54 and 100).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to include a unique reference number as taught by Flitcroft in the system of Gardner when generating authorization for a purchase order, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 8, Gardner does not explicitly disclose the following limitations; however, Flitcroft discloses:

wherein the information provided from the first and/or second communication terminal to the managing server relating to a purchase includes the purchaser reference number in the form of a unique number and a transaction amount corresponding to the cost of the purchase is used for reservation of the corresponding amount for payment (see ¶ 34: requesting issuance of a CPN by a user; generating a CPN in response to said request; The method includes the steps of capturing relevant purchase order information before initiating). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include receiving a requesting including the purchase order information (e.g. the number of items, the transaction amount related to the purchase order) from the user as taught by Flitcroft in the system of Gardner, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 9, Gardner further discloses wherein for a valid purchase, the first and/or second communication terminal connects to an electronic invoicing service, which is adapted to execute invoicing in accordance with the specific requirements for payment of the purchasing organization (see col. 1, lines 38-43; col. 2, lines 1-6; col. 9, lines 19-25; and col. 12, lines 7-9).

Regarding claim 10, Gardner further discloses wherein the electronic invoicing service is adapted to connect to the managing server for retrieval of specific routines stored thereon for invoicing relating to the purchasing organization (see col. 3, line 62 to col. 4, line 6).

Regarding claim 17, Gardner further discloses wherein the managing server is further adapted to send a notification, as a result of the information relating to the purchase being found to be correct in the examining, to the second communication terminal being operable by the individual purchaser so as to notify the individual purchaser of the given right to invoice said transaction amount (see col. 3, line 4 to col. 4, line 6; and col. 8, lines 35-39; see also in Flitcroft: Claim 13).

Regarding claim 18, Gardner further discloses wherein the managing server is further adapted to send a notification from the managing server, as a result of the information relating to the purchase being found to be correct in the examining step, to the client terminal of the purchasing organization so as to notify the purchasing organization of the given right to invoice said transaction amount (see col. 9, lines 32-40; see also in Flitcroft: Claim 4).

Regarding claim 19, claim 19 recites similar limitations of Claim 1 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1.

Regarding claim 20, claim 20 recites similar limitations of Claim 17 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 17.

Regarding claim 21, claim 21 recites similar limitations of Claim 18 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 18.

Regarding claim 23, claim 23 recites similar limitations of Claim 8 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 8.

Regarding claim 24, claim 24 recites similar limitations of Claim 9 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 9.

Regarding claim 25, claim 25 recites similar limitations of Claim 10 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 10.

Regarding claim 26, claim 26 recites similar limitations of Claim 1 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1.

In addition, Filtcroft further discloses:

a computer program product comprising a computer readable medium having computer program code recorded thereon (see ¶ 301 and claim 14);

wherein the program code includes sets of instructions adapted to control the computerized system to perform the steps (see ¶ 301 and claim 14) of:

Regarding claim 27, claim 27 recites similar limitations of Claim 17 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 17.

Regarding claim 28, claim 28 recites similar limitations of Claim 18 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 18.

Regarding claim 30, claim 30 recites similar limitations of Claim 8 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 8.

Regarding claim 31, claim 31 recites similar limitations of Claim 9 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 9.

Regarding claim 32, claim 32 recites similar limitations of Claim 10 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 10.

15. **Claims 6, 22, and 29 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Gardner in view of Flitcroft as applied to claim 1 above, and further in view of Engberg, (US Pub. No.: 2003/0158960).

Regarding claim 6, Gardner and Flitcroft do not explicitly disclose the following limitations; however, Engberg in an analogous art for enabling communication and secures trade of both electronic and physical goods and service discloses:

wherein the purchaser reference number in the form of a unique number includes a logical part and a random part, the logical part including at least one of organization, department, individual and serial number of issued numbers, and the random part being a number selected for system security purposes (see ¶ 29: *A virtual*

identifier could be a virtual identifier of a company combined with a company only unique identifier, such as a company tax registration number combined with a random, but unique, customer number). It would have been obvious to one of the ordinary skill in the art at the time of the invention to include a unique reference number to including the organization identifier/name and a serial of random number as taught by Engberg in the system of Gardner, and in view of Flitcroft, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Regarding claim 22, claim 22 recites similar limitations of Claim 6 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 6.

Regarding claim 29, claim 29 recites similar limitations of Claim 6 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 6.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Blinn et al., (U.S. Pat. No.: 6058373) teaches a system and method for processing electronic order forms, including unique reference number, validation, authorization, transferring data between consumers and merchant.
- Talati et al., (U.S. Pat. No.: 5903878) teaches an electronic commerce method for purchasing order transaction process, including validation, issuing, and notification.
- Langhans et al., (U.S. Pat. No.: 5621201) teaches an automated purchasing control system, including system structure, policy guidelines regarding authorization, and purchasing limits.
- Mikurak (U.S. Pub. No.: 2004/0064351 A1) teaches an order management system for managing purchasing order between at least a second and a third independent business entity.
- "Streamlining Supply Chain Management with E-Business", by Mehmet C. Kocakulah et al., University of Southern Indiana, The Review of Business Information System, Volume 6, No. 2, 2001. Describes the impact of e-business on supply chain management for increase levels of communication and collaboration both internally and externally by streamlining the flow of information within company and between business partners.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pan Choy whose telephone number is (571)270- 7038. The examiner can normally be reached on Mon-Fri, 8:30AM - 6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on (571) 272-6782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pan Choy/
Examiner, Art Unit 3624
January 13, 2011

/Scott L Jarrett/
Primary Examiner, Art Unit 3624